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February 14, 2024

Honorable James M. Wicks
United States District Court for the Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

By: ECF

RE: Jimmy Gong et al v. Lieutenant Marc Timpano et al
Docket No. 23-CV-5401 (PKC)(JMW)

Dear Judge Wicks:

The undersigned represents Plaintiffs in this action. Defendants are represented by Ralph Reissman of the Nassau County Attorney's Office. The parties submit this letter as a joint status report pursuant to the Court's Order of January 16, 2024. (Docket Entry #19).

On January 16, 2024 the Court held a Status Conference during which the Court granted Plaintiff's Second Motion to Compel (ECF No. 17) and directed the Defendants to: "(i) supplement their Rule 26 disclosures and (ii) produce and respond to all outstanding interrogatories and documents demands on or before February 9, 2024."

To date, the Defendants have not supplemented their Rule 26 disclosure nor have they responded to Plaintiffs' November 13, 2023 First Requests for Production to the Defendants, nor the November 13, 2023 individual interrogatory demands to Russell, Timpano and Nassau County.

Defendants state that after the Court issued its January 16, 2024 Order (Docket Entry #19), Mr. Reissman immediately sent the Order to the Police Department's Legal Bureau, and that he has been in constant contact with the Legal Bureau to obtain the requested documents, or a date certain on which the documents will be made available. To date, Mr. Reissman has not received the documents or a date certain on which the documents will be made available to him. He will continue to renew his request for immediate production of the documents.

In light of the latest failure, coupled with Plaintiffs' need to file an initial motion to compel on October 24, 2023 (Docket Entry #16) resulting in the Court's Order of October 24, 2023 (Docket Entry #15), Plaintiffs would respectfully request that the Court enter an

Order pursuant to FRCP 37 addressing these deficiencies and/or set this matter down for a Conference to discuss potential remedies.

The parties thank the Court for its consideration in this matter.

Respectfully Submitted
HARFENIST KRAUT & PERLSTEIN, LLP

By: *Neil Torczyner*
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